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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

HANNAHER, CONSTANTINE

ART UNIT

PAPER NUMBER

2878

DATE MAILED: 07/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/084,452

Applicant(s)

SAUVAGE ET AL.

Examiner

Constantine Hannaher

Art Unit

2878

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☒ Claim(s) 5-8 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Note the use of "The present invention concerns..." which can be implied and "comprises" which is legal phraseology.

2. Section 608.01 of the MPEP states in part:

In order to minimize the necessity in the future for converting dimensions... to the metric system of measurements when using printed patents... all patent applicants should use the metric (S.I.) units followed by the equivalent English units when describing their inventions....

The Assistant Secretary and Commissioner of Patents and Trademark strongly reiterated and emphasized strong encouragement for patent applicants to use the metric system in patent applications in a message appearing at 1135 O.G. 55 dated February 18, 1992. At some future time, the USPTO will consider making it a requirement.

Note the use of the micron. The Examiner is unable to require the use of SI units.

Claim Objections

3. The "said first face" in line 6 (actual count) of claim 1 lacks antecedent basis.
4. Claims 5-8 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

Claim Rejections - 35 USC § 102

5. The preamble "Screen panel for converting X-rays into light photons" does not limit the scope of the claim because (1) the language does not provide antecedent basis for terms in the body of the claim, (2) the body of the claim sets out a complete invention, (3) the preamble merely provides a statement of purpose or intended use, and (4) the preamble is not essential to understand limitations or terms in the body of the claim.

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claim 1 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Morgan (US005274864A).

With respect to independent claim 1, Morgan discloses a rigid foam plate **210** (Fig. 4 and column 4, lines 34-41), a first layer **220** of composite material (column 4, lines 42-46) located on one side of the rigid foam plate **220**, and a second layer **220** of composite material located on the other face of the rigid foam plate **210**, parallel to the said first layer.

8. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Bruno (US005405107A).

With respect to independent claim 1, Bruno discloses a rigid foam plate **126** (Fig. 3), a first layer **122** of composite material located on one face of the rigid foam plate **126**, and a second layer **124** of composite material located on the other face of the rigid foam plate **126**, parallel to the said first layer. See column 5, line 66 to column 6, line 5.

With respect to dependent claim 2, Bruno discloses a framework 128 located on the circumference of the rigid foam plate 126 (column 6, lines 15-17).

9. Claim 1 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Verbeke *et al.* (US005519229A).

With respect to independent claim 1, Verbeke *et al.* discloses a screen panel 10 (Fig. 1) for converting X-rays into light photons (through photostimulated luminescence) comprising a rigid foam plate, a first layer of composite material located on one face of the rigid foam plate, and a second layer of composite material located on the other face of the rigid foam plate, parallel to the first layer (column 3, lines 54-67).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

12. Claim 4/1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morgan (US005274864A).

With respect to dependent claim 4/1, Morgan does not identify the density of the rigid foam in plate **210** but since it is used structurally to support the weight of an injured person during manual transportation, it is presumed that the "Klegisil" is a high density foam.¹ The composite material in layers **220** in Morgan is made out of a matrix of one of the recited materials.

13. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bruno (US005405107A).

With respect to dependent claim 3, although Bruno does not identify the material of the framework **128**, the recited materials are a routine choice for the "laminated structure" disclosed.

With respect to dependent claim 4, Bruno does not identify the density of the rigid foam in plate **126**. Since it is the same "Rohacel" disclosed by applicant it is presumed to be a high density foam. The composite material in layers **122, 124** in Bruno is made out of a matrix of one of the recited materials.

14. Claim 4/1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Verbeke *et al.* (US005519229A).

With respect to dependent claim 4/1, Verbeke *et al.* does not identify the density of the rigid foam in panel **10**. In view of the high degree of rigidity and the easy machinability described by Verbeke *et al.*, it is presumed to be a high density foam. The composite material in the layers in Verbeke *et al.* is made out of a matrix of one of the recited materials.

¹ Closed cell rigid foams may have a range of densities based on the specific formulation. If necessary, the Examiner will cite United States Patent No. 5,741,574 and its Table 1 to show that formulations of Rohacel and Klegecel have similar densities.

15. Claims 2, 3, 4/2, and 4/3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Verbeke *et al.* (US005519229A) as applied to claim 1 above, and further in view of Verbeke (US005751001A).

With respect to dependent claim 2, although Verbeke *et al.* offers only a coating of opaque flock on the circumference of the rigid foam plate, the use of a framework **15** on the circumference of a screen panel **16** of similar construction is known from Verbeke. In view of the high dimensional stability described by Verbeke for the combination of framework and triple-layer panel, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the screen panel of Verbeke *et al.* to comprise a framework located on the circumference of the screen panel **10** which would also afford a neat appearance to the edges thereof as desired by Verbeke *et al.*

With respect to dependent claim 3, Verbeke does not identify the material of which the framework **15** is made. The recited materials are known for their light weight and their strength while resisting environmental degradation, so it would have been obvious to one of ordinary skill in the art at the time the invention was made when modifying the screen panel **10** of Verbeke *et al.* to include a framework **15** as suggested by Verbeke to specify that the framework was made of out of a matrix of one of the recited materials in view of the light weight, high strength combination which would result.

With respect to dependent claims 4/2 and 4/3, Verbeke *et al.* does not identify the density of the rigid foam in panel **10**. In view of the high degree of rigidity and the easy machinability described by Verbeke *et al.*, it is presumed to be a high density foam. The composite material in the layers in Verbeke *et al.* is made out of a matrix of one of the recited materials.

Response to Submission(s)

16. This application has been published as US2002/0130272A1 on September 19, 2002.

Conclusion

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Constantine Hannaher whose telephone number is (703) 308-4850. The examiner can normally be reached on Monday-Friday with flexible hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David P. Porta can be reached on (703) 308-4852. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

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June 27, 2003


Constantine Hannaher
Primary Examiner